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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1146 OF 2007

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.S.S. Kanetkar for the petitioner.

Mr.Nitin Jamdar for the respondent no.1.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 22ND AUGUST 2007

P.C. :

1. Heard.

2. By this petition, the communication dated 6th March 2006 is challenged. The petitioner is a Muster Assistant. He left the job on 1st April 1989. He was not in service on 1st December 1995 and, therefore, the benefit of the directions of the Apex Court and/or the Writ Petition No.1170 dated 21st September 2000 decided by the Aurangabad Bench of the High Court of Bombay cannot be given to the petitioner. Same is the view taken by a Division Bench of this Court consisting

of F.I. Rebello & Dr.D.Y. Chandrachud, JJ. in Writ Petition No.2537 of 2004 decided on 24th January 2006. Since we find that the petitioner has left the service in 1989 and was not in service to claim the benefit of the above referred judgments, we refrain to entertain the petition. Petition is rejected.

(D.G. KARNIK, J.) (S.B. MHASE, J.)